

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:
State of Iowa v. Abbott Laboratories, et al.

MDL No. 1456
Master File No.: 01-CV-12257-PBS
Subcategory Case No. 07-12141-PBS

Judge Patti B. Saris

JOINT MOTION TO FURTHER MODIFY CERTAIN PRE-TRIAL DATES

1. Pursuant to the Case Management Order dated March 25, 2010, which CMO was based upon a joint motion of the parties, all fact discovery is to be completed by July 1, 2010.

2. Plaintiff the State of Iowa ("Plaintiff" or "Iowa") is continuing to produce responsive documents and intends to substantially complete its document production by July 2, 2010.

3. Defendants have requested deposition dates for a number of current or former employees of Iowa. Defendants have issued notices for those depositions. Plaintiff has begun to provide dates for depositions commencing in mid to late July. Iowa intends to offer additional deposition dates throughout August.

4. Given the status of Plaintiff's document production, the parties agree that deposition dates for Plaintiff's witnesses in late July and August are consistent with the just, speedy and inexpensive determination of this action.

5. The parties agree that the depositions of Plaintiff will be limited to those identified to Iowa and/or noticed prior to July 1, 2010. Defendants will not notice any additional depositions unless such depositions are justified by facts that could not reasonably have been

known to Defendants prior to July 1, 2010.

6. The deadlines for expert discovery will be modified as follows:
- a. Plaintiff shall serve all expert reports in compliance with Fed. R. Civ. P. 26(a)(2)(B) by November 1, 2010.
 - b. All Plaintiff expert depositions shall be completed by December 15, 2010.
 - c. Defendants shall serve all expert reports in compliance with Fed. R. Civ. P. 26(a)(2)(B) by January 31, 2011.
 - d. All Defendants expert depositions shall be completed by March 18, 2011.

WHEREFORE, the parties jointly move this Court to modify the established pre-trial dates to those shown above and on the attached proposed Case Management Order No. Iowa-3.

| | |
|---------------------|--|
| Dated June 29, 2010 | <p><u>/s/ Jocelyn Normand</u> Jocelyn R. Normand KIRBY McINERNEY LLP 825 Third Avenue, 16th Floor New York, NY 10022 (212) 371-6600 ext. 263 jnormand@kmlp.com</p> <p>Counsel for the State of Iowa</p> <p><u>/s/ J.P. Ellison</u> J.P. Ellison HYMAN, PHELPS, & MCNAMARA, P.C. 700 Thirteenth Street NW Suite 1200 Washington DC 20005 (202)-737-4294 jellison@hpm.com</p> <p>Counsel for Defendant Purepac Pharmaceutical Co (in his capacity as liaison counsel for the Defendants).</p> |
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 29th day of June, 2010, she caused a true and correct copy of the foregoing Joint Motion to Further Modify Certain Pre-Trial Dates to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the honorable Patti B. Saris in MDL No. 1456.

/s/ Jocelyn R. Normand
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Judge Patti B. Saris

CASE MANAGEMENT ORDER NO. IOWA-3

The following is modified from the Case Management Order entered by this Court on March 25, 2010:

The deadline for completion of fact discovery is extended from July 1, 2010 to September 1, 2010 solely for purposes of taking depositions of witnesses of the Plaintiff, State of Iowa, which witnesses have been identified to Plaintiff prior to July 1, 2010. Defendants may not notice any additional depositions beyond those witnesses already identified to Plaintiff prior to July 1, 2010, unless such depositions are justified by facts that could not reasonably have been known to Defendants prior to that date.

The deadline for completion of expert discovery is modified as follows:

| ACTION | DEADLINE |
|--|-------------------|
| Plaintiff shall serve expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B) | November 1, 2010 |
| All plaintiff expert depositions shall be completed. | December 15, 2010 |
| Defendants shall serve expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B) | January 31, 2011 |
| All defendants expert depositions shall be completed. | March 18, 2011 |

SO ORDERED

PATTI B. SARIS
U.S. DISTRICT COURT JUDGE